



**Accept NOSB Recommendations:
Allow Specified Nonagricultural (Nonorganic) Substances In Or On
Processed Products Labeled As "Organic" Or "Made With Organic..."**
November 15, 2005

*Submitted by
Tom Hutcheson
Associate Policy Director*

The Organic Trade Association (OTA) thanks the National Organic Program for this opportunity to comment on Docket Number TM-04-01.

While OTA rarely takes positions on specific materials, one aspect of this rulemaking stands out as necessitating comment.

OTA understands that this proposed rule has been in development for some time, and that it was published after the US District Court for the District of Maine Consent Final Judgment and Order of June 9, 2005 took effect. OTA notes that this rulemaking proposes that various substances be allowed only for use in products labeled as "made with [specified organic ingredients]...", whereas at least, if not all, of the original recommendations from the NOSB did not restrict the allowance of these synthetic substances only to products labeled as "made with [specified organic ingredients]...".

The legislation on which the court order was based has been amended, which has a direct bearing on this proposed rule. OTA supports any clarification to the agency's approach to synthetic materials that takes amendments to OFPA into account, including any needed steps in the US District Court. For this rulemaking, OTA supports the original NOSB recommendations as to the scope of the allowance of the materials.

To the extent that the amendments restored the status quo, we ask that the final agency action on these materials reflect the new development.

Thank you very much for your consideration.

Headquarters: 60 Wells Street, P.O. Box 547, Greenfield, MA 01302 USA • (413) 774-7511

Fax: (413) 774-6432 • e-mail: info@ota.com • web site: www.ota.com

Legislative Office: 600 Cameron Street, Alexandria, VA 22304 USA • (202) 338-2900

Printed on Recycled Paper

